

Selective 'Bugs' Backed By Judicial Conference

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The Judicial Conference of the United States has voted to endorse legislation that would permit Federal and state investigators to tap telephones and eavesdrop electronically under court order.

The Conference, the policy and administrative arm of the Federal judiciary, gave its approval to pending eavesdrop legislation provided it is amended to meet the restrictions announced in a Supreme Court decision handed down June 12.

Endorsement by the Conference, which is headed by Chief Justice Earl Warren, is expected to provide important ammunition to Republicans and other congressional conservatives who favor "bugging" in the organized crime field.

It also was a blow to the Johnson Administration, which wants Congress to outlaw all official electronic eavesdropping except in national security cases.

The Conference action was taken last week at a regular executive session attended by the chief judges from all the Federal circuits and top judges from several district courts.

In another action, the Con-

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ference called for swift passage of Administration-backed jury reform proposals. The judges voted to urge each district court to broaden the economic base of its jury selection pools without waiting for Congress to act.

Details of the Conference deliberations were not disclosed, but it was learned that the matter was discussed only briefly.

The Conference resolution approved a bill introduced by Sen. John L. McClellan (D-Ark.) if it is modified to meet certain search-and-seizure standards.

Leaders of the effort to obtain permissive eavesdrop legislation claimed last week to have devised a formula that will limit the intrusion of electronic listening devices to specific periods of time under strict judicial supervision.

Dissenters in the Supreme Court's 5-to-4 decision in June hinted that the Court had virtually outlawed all eavesdropping and had crippled the drive against racketeers. Other observers, including supporters of the McClellan bill's aim, viewed the decision as an "invitation" to carefully drafted bugging legislation.

In another development the Justice Department filed a Supreme Court brief urging the Court to uphold the gambling conviction of Charles Katz of Los Angeles, who claims that Federal agents had no right to plant a microphone atop a public telephone booth to overhear him as he placed basketball bets in Boston and Miami Beach.

Phone booths are "not within the traditional concept of a constitutionally protected area," said Acting Solicitor General Ralph S. Spritzer.